

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners: Pat Apple, Chairman  
Shari Feist Albrecht  
Jay Scott Emler

In the Matter of the Application of Wheatland )  
Electric Cooperative, Inc. for Permission to )  
Cease Operating as a(n) Electric Utility in ) Docket No. 18-WHLE-203-CCS  
the State of Kansas. The NW¼ of Sec. 29, )  
T17S-R32W & NE¼ of Section 30, T17S- )  
R32W in Scott County, KS. )

**ORDER GRANTING APPLICATION TO CEASE TRANSACTING  
THE BUSINESS OF AN ELECTRIC PUBLIC UTILITY**

The above captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and record, and being duly advised in the premises, the Commission finds and concludes as follows:

**I. BACKGROUND**

1. On November 13, 2017, Wheatland Electric Cooperative, Inc. (Wheatland) filed an Application requesting to cease transacting the business of an electric public utility in portions of Scott County, Kansas. Wheatland is an electric public utility as defined in K.S.A. 2016 Supp. 66-104. A public hearing was neither requested nor held on Wheatland's Application.

2. Wheatland requests the Commission issue an Order granting it the authority to cease operating as an electric public utility in the following described territory to wit:

The NW¼ of Section 29, Township 17 South, Range 32 West and the NE¼ of Section 30, Township 17 South, Range 32 West in Scott County, Kansas.

3. On December 14, 2017, the Commission Staff (Staff) submitted its Report and Recommendation dated December 5, 2017, recommending the Commission grant Wheatland's Application and its request to cease transacting business as an electric public utility in the territory described in paragraph 2 above.

## **II. LEGAL STANDARDS AND DISCUSSION**

4. Pursuant to K.S.A. 2016 Supp. 66-131, the Commission has jurisdiction to grant a Certificate to any public utility seeking to transact business in the State of Kansas. K.S.A. 66-1,170 et seq., the Retail Electric Suppliers Act (RESA), requires the State of Kansas to be divided into electric service territories in which only one retail electric supplier is established for a given territory. Notwithstanding the mandated single electric provider service territories, RESA also provides that retail electric suppliers may enter into agreements to amend boundaries between their facilities. The agreements are subject to Commission approval, and if so approved, the Commission shall issue a certificate accordingly.<sup>1</sup>

5. According to Staff, Wheatland and Lane-Scott Electric Cooperative, Inc. (Lane-Scott) are filing applications to adjust and update their electric territory boundaries to provide for continued electric service by each of the electric suppliers to two separate feed lots in Scott County. Each feed lot is expanding operations across the territory boundary and this territory exchange is necessary to properly certificate the expanded feed lot facilities. The two electric suppliers advise Staff that the territory exchange will provide additional electric territory for the two electric suppliers and accommodate continued service to the two separate feed lots. No existing electric customers will be required to change electric providers as a result of this territory exchange. Lane-Scott filed a companion Application in Docket No. 18-LNSE-214-COC requesting a Certificate of Convenience and Authority (Certificate) authorizing Lane-Scott to provide electric service in the subject territory. Staff indicates that it has reviewed the Applications of both Wheatland and Lane-Scott, determining that the legal descriptions and maps provided with the Applications are accurate. Staff also confirms that the legal descriptions provided by the parties are not in conflict

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<sup>1</sup> K.S.A. 66-1,175.

with the Commission's Certificate records. Concluding, Staff determines that the public convenience will be promoted by the requested territory exchange and recommends the Commission grant the Applications of both Wheatland and Lane-Scott.<sup>2</sup>

### **III. FINDING AND CONCLUSION**

6. The Commission adopts Staff's analysis and recommendation of December 5, 2017, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that Wheatland's Application should be granted, and that public convenience and necessity will be promoted by issuing an Order authorizing Wheatland to cease operating as an electric public utility in the territory described in paragraph 2 above.

#### **IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. The Application of the Wheatland Electric Cooperative, Inc. is hereby granted and Wheatland is authorized to cease transacting the business of an electric public utility in the territory described in paragraph 2 above.

B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served, in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2016 Supp. 77-529(a)(1).

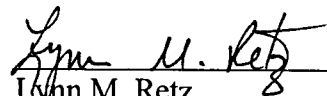
C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders, as it may deem necessary.

#### **BY THE COMMISSION IT IS SO ORDERED.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: DEC 19 2017

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Lynn M. Retz  
Secretary to the Commission

Order Mailed Date

DEC 20 2017

<sup>2</sup> Report and Recommendation, pages 1 and 2.

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chairman Pat Apple  
Commissioner Shari Feist Albrecht  
Commissioner Jay Scott Emler

**FROM:** Gary Dawdy, Utility Engineer II  
Jason Kerr, Electric Utility Engineering Technician  
Leo Haynos, Chief Engineer  
Jeff McClanahan, Director of Utilities

**DATE:** December 5, 2017

**SUBJECT:** 18-WHLE-201-COC  
In the Matter of the Application of Wheatland Electric Cooperative for a Certificate of Convenience and Authority to Transact the Business of an Electric Utility in the State of Kansas The SW 1/4 of Sec 17, T20S-R32W & SE 1/4 of Sec 19, T20S-R32W in Scott County, KS

18-LNSE-216-CCS  
In the Matter of the Application of Lane-Scott Electric Cooperative, Inc. for Permission to Cease Operating as an Electric Utility in the State of Kansas. The SW ¼ of Sec 17, T20S-R32W & SE ¼ of Sec 19, T20S-R32W in Scott County, KS

18-LNSE-214-COC  
In the Matter of the Application of Lane-Scott Electric Cooperative for a Certificate of Convenience and Authority to Transact the Business of an Electric Utility in the State of Kansas The NW ¼ of Sec 29, T17S-R32W & NE ¼ of Sec. 30, T17S-R32W in Scott County, KS

18-WHLE-203-CCS  
In the Matter of the Application of Wheatland Electric Cooperative, Inc. for Permission to Cease Operating as an Electric Utility in the State of Kansas. The NW 1/4 of Sec 29, T17S-R32W & NE 1/4 of Sec 30, T17S-R32W in Scott County, KS

**EXECUTIVE SUMMARY:**

Wheatland Electric Cooperative, Inc. (Wheatland) and Lane-Scott Electric Cooperative, Inc. (Lane-Scott) have agreed to exchange electric territory in order to adjust and update their electric territory boundary. No existing customers in the areas being exchanged will

electric suppliers advise Staff that the territory exchange will provide additional electric territory for the two electric suppliers and accommodate continued service to two separate feed lots. These feed lots are expanding their operations across the electric suppliers' territory boundary.

### **BACKGROUND:**

On November 13, 2017, Wheatland Electric Cooperative, Inc. (Wheatland) filed an Application for Certificate in 18-WHLE-201-COC and an Application to Cease Operation in 18-WHLE-203-CCS. On November 20, 2017, Lane-Scott Electric Cooperative, Inc. (Lane-Scott) filed Companion Applications, an Application to Cease Operation in 18-LNSE-216-CCS and an Application for Certificate in 18-LNSE-214-COC.

Pursuant to K.S.A. 2016 Supp. 66-131, the Commission has jurisdiction to grant a certificate to a public utility seeking to transact business in the State of Kansas. K.S.A. 66-1,170 et seq. the Retail Electric Suppliers Act (RESA) requires each and every retail electric supplier to obtain a certificate from the Commission.

The statutory standard of review in this matter is whether the "public convenience will be promoted by the transaction of said business and permitting said applicants to transact the business of a common carrier or public utility in this state." K.S.A. 2016 Supp. 66-131. Further, single electric certification shall be the standard in Kansas under K.S.A. 66-1,170 et seq.

After discussion and study, Wheatland and Lane-Scott are filing these Applications to reset their current electric territory boundary to provide for continued electric service by each of the electric suppliers to two separate feed lots in Scott County. Each of these feed lots is expanding their operations across the territory boundary and this territory exchange is necessary to properly certificate the expanded feed lot facilities. No existing electric customers will be required to change electric providers due to this territory exchange.

### **ANALYSIS:**

Staff has reviewed the Applications and determined that the legal descriptions and maps provided with the Applications are accurate. Staff has also confirmed that the legal descriptions are not in conflict with the Commission's Certificate records. The proposed revision to the affected territories' legal description is included as Attachments 1 and 2 to this Report and Recommendation.

The Commission action date is May 12, 2018.

### **RECOMMENDATION:**

Staff recommends that the Commission grant these Applications and find that public convenience will be promoted by this transaction.

ATTACHMENT 1  
Legal Description of Double Territory Trade between  
Wheatland Electric Cooperative, Inc. and Lane Scott Electric Cooperative, Inc.  
18-WHLE-201-COC and 18-LNSE-216-CCS  
Transferred from Lane Scott to Wheatland

SCOTT COUNTY

The SW 1/4 of Sec. 17, and the SE 1/4 of Sec 19, T20S, R32W

ATTACHMENT 2  
Legal Description of Double Territory Trade between  
Lane Scott Electric Cooperative, Inc. and Wheatland Electric Cooperative, Inc.  
18-LNSE-214-COC and 18-WHLE-203-CCS  
Transferred from Wheatland to Lane Scott

SCOTT COUNTY

The NW 1/4 of Sec. 29 and the NE 1/4 of Sec. 30, T17S, R32W

## CERTIFICATE OF SERVICE

18-WHLE-203-CCS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

first class mail/hand delivered on DEC 19 2017.

DOW MORRIS, GENERAL MANAGER  
LANE-SCOTT ELECTRIC COOPERATIVE, INC.  
410 S HIGH  
PO BOX 758  
DIGHTON, KS 67839-0758  
Fax: 620-397-5997  
dow.morris@lanescott.coop

BRUCE W. MUELLER, GENERAL MANAGER  
WHEATLAND ELECTRIC COOPERATIVE, INC.  
101 MAIN ST  
PO BOX 230  
SCOTT CITY, KS 67871  
Fax: 620-872-7170  
bmueeller@weci.net

OTTO NEWTON, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
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TOPEKA, KS 66604  
Fax: 785-271-3167  
o.newton@kcc.ks.gov  
\*\*\*Hand Delivered\*\*\*

/S/ DeeAnn Shupe  
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DeeAnn Shupe

Order Mailed Date

DEC 20 2017